

**THE NOTES BELOW REPRESENT NOTES  
AFTER THE SECOND CHECK HAS BEEN  
COMPLETED.**

**NO FURTHER DOCUMENTS WILL BE  
REVIEWED PRIOR  
TO HEARING.**

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The Probate Examiners can be reached at [ProbateNotes@courts.sbcounty.gov](mailto:ProbateNotes@courts.sbcounty.gov). Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. **PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES.** No legal or procedural advice may be given.

CIVCAL4                      Rancho Cucamonga District  
                                    Rancho District

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

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DATE: 10/03/06              TIME: 9:30      DEPT: R15P  
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CASE #: RC RS00550

CASE NAME: \*\*\*\* MF \*\*\*\* PATRICIA A. WAYNE

HEARING:  
Accounting Review

	COUNSEL:
ALICE M MASSEY	(PET)...DONNASUE SMITH-ORTIZ
PATRICIA A WAYNE	(PCE)...
RUTH F. NAMIE	(TP )...SPRINGER & POLLOCK

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr. C. § 2620.2.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

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DATE: 10/03/06 TIME: 9:30 DEPT: R15P  
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CASE #: RC RS00582

CASE NAME: MARY ELIZABETH HOLLOWAY

HEARING:

Hearing Re: Amended petition for Conservator of the Estate.

COUNSEL:

PAULA D HOLLOWAY (PET)...ROSSANA P MITCHELL, ESQ  
MARY ELIZABETH HOLLOWAY (PCE)...MAUREEN MURATORE  
PAULA D HOLLOWAY (CTE)...ROSSANA P MITCHELL

GENERAL INFORMATION On 4-18-06 the court ordered that the attorney for the Conservatee was to take possession of the Conservatee's bank account. Court ordered Attorney Muratore to prepare an order. Do not see order in the file. Matter was then continued to clear notes. Matter again continued from 6-27-06 to determine if the proposed Conservator can secure bond. On 7-18-06 the court granted the petition for conservatorship of the person and granted medical powers. Court continued matter of the conservatorship of the estate to 10-3-06.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and the estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Dementia powers are sought. File capacity declaration addressing dementia powers. Only capacity declaration filed address medical powers only.
2. Dementia powers are sought. Court has appointed Attorney Muratore to represent the interests of the Conservatee.
3. Court Investigator report is in the file. Conservatee objects.
4. Court may wish to review the confidential screening form.
5. On 2-23-06 the court granted a temporary conservatorship. However, does not appear that bond has been filed or letters issued.
6. Court allowed \$11,000 bond at the time of the appointment of the temporary conservatorship. Based on the information in the file personal property is listed at

\$450,000. Bond should be set in that amount. Petitioner requests that bond should be waived in that she is the daughter of the Conservatee. This is not a legal ground for the granting of such a request.

**RECOMMENDATION:**

If petition granted court will have to set future dates. Set hearing for the filing of the inventory and appraisal for 4-10-07. Set hearing for accounting for 12-4-07. Accounting to be filed 30 days in advance of the hearing date.

CIVCAL4                      Rancho Cucamonga District  
                                    Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

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DATE: 10/03/06              TIME: 9:30      DEPT: R15P  
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CASE #: RC RS00594

CASE NAME: DONALD BALDWIN DEVOE

HEARING:  
Petition for Appointment of Conservator

COUNSEL:  
MICHELLE ROLDAN              (PET)...CHRISTINA FERRANTE  
DONALD BALDWIN DEVOE              (CEE)...MAUREEN MURATORE

GENERAL INFORMATION: continued from 7-18-06.

THIS MATTER IS SET FOR HEARING ON: Petition for Appointment of Conservator of person and estate

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests that bond be set in the amount of \$122,800.
2. Petitioner seeks medical and dementia powers. Capacity declaration supplied by a doctor not licensed to practice in California. Additionally the form does not indicate that the declarant has 2 years experience diagnosing dementia. It would therefore appear that the doctor is not qualified to testify in this case, at least to the dementia issue. Judge to decide.
3. Court has appointed Attorney Muratore to represent the Conservatee.

RECOMMENDATION: Subject to note2, \$122,800 bond. If petition granted, set date for Inventory and Appraisal for 4-10-07. Set Accounting Review for 12-4-07.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

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DATE: 10/03/06 TIME: 9:30 DEPT: R15P  
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CASE #: RC RS00594

CASE NAME: DONALD BALDWIN DEVOE

HEARING:  
Petition for Authority to Consent to Medical Treatment.

COUNSEL:  
MICHELLE ROLDAN (PET)...CHRISTINA FERRANTE  
DONALD BALDWIN DEVOE (CEE)...MAUREEN MURATORE

GENERAL INFORMATION see preceding page.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

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DATE: 10/03/06 TIME: 9:30 DEPT: R15P  
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CASE #: RC RS00602

CASE NAME: CHERYL D MEINDERS

HEARING:  
Petition for Appointment of Conservator

COUNSEL:

JAKOB JAY MEINDERS	(PET)...SELTERS & SELTERS
MARIE F MEINDERS	(PCR)...SELTERS & SELTERS
TENA M MEINDERS	(PCR)...SELTERS & SELTERS
HENRY J MEINDERS	(PCR)...SELTERS & SELTERS
SUSAN J HOWERZYL	(PCR)...SELTERS & SELTERS
CHERYL D MEINDERS	(PCE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for limited conservatorship of the person only.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need Inland Regional Center report.
2. As this is petition for limited conservatorship court must appoint counsel for Conservatee.
3. Petitioners are the parents and 3 siblings of the Conservatee.
4. Petitioners seek limitation of civil rights. See yellow tab in file.
5. Medical powers are sought. Capacity declaration supports request.

RECOMMENDATION:  
Appoint counsel for Conservatee.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

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DATE: 10/03/06 TIME: 9:30 DEPT: R15P  
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CASE #: RG RS00580

CASE NAME: GUARDIANSHIP OF RYAN YENOVKIAN & JONATHON YENOV

HEARING:  
Accounting Review

COUNSEL:  
PHILIP JONATHON YENOVKIAN (PET)...CHRISTINA FERRANTE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr. C. § 2620.2.



Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

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DATE: 10/03/06 TIME: 9:30 DEPT: R15P  
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CASE #: RG RS00748

CASE NAME: GUARDIANSHIP OF FELICIA BENNETT, ETAL

HEARING:  
Accounting Review

COUNSEL:  
JACINTO LAZO (PET)...VARNER, SALESON & BRANDT LLP  
FELICIA YVETTE BENNETT (MIN)...  
JACOB CERNAS (MIN)...  
FATESHA YVONNE BENNETT (MIN)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr. C. § 2620.2.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

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DATE: 10/03/06 TIME: 9:30 DEPT: R15P  
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CASE #: RG RS01518

CASE NAME: BRITTANY MENDEZ & BROOKE MENDEZ

HEARING:

FIRST ACCT CURRENT & REPORT

COUNSEL:

DAVID P GONZALES (PET)...PRO/PER  
MICHELLE Y GONZALES (PET)...PRO/PER  
BRITTANY TAYLOR MENDEZ (MIN)...  
BROOKE MEGAN LINDA MENDEZ (MIN)...

GENERAL INFORMATION: continued from 7-18-06. Nothing new filed.

THIS MATTER IS SET FOR HEARING ON: First Account and Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service.
2. Accounting covers period from August 9, 2004 to March 1, 2006.
3. On 11/16/04, court ordered that funds be placed in a blocked account with proof to the court. Petitioner states the bank, PFF would not place the funds into a blocked account. The monies have been placed into a CD. Petitioner states that if PFF will not place block on funds, then at time of maturation of CD, funds will be transferred to another bank that will open a blocked account. However, attached to bank statements in support of account, is letter from PFF Bank stating a legal hold has been placed on the accounts until the minors reach the age of majority. Court may wish to inquire further.
4. Is guardian waiving compensation?

RECOMMENDATION: If petition granted court will have to set future dates. Set hearing for the next account for 5-20-08, to cover the period of 3-2-06 to 3-1-08. Accounting to be filed 30 days in advance.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

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DATE: 10/03/06 TIME: 9:30 DEPT: R15P  
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CASE #: RG RS01568

CASE NAME: MORGAN,SALVATORE,& NICHOLAS ZOLFERINO

HEARING:  
FIRST ACCT CURRENT & REPORT

COUNSEL:

PETER ZOLFERINO (PET)...PALMIERI TYLER WIENER WILHELM  
MORGAN ASHLEY ZOLFERINO (MIN)...  
SALVATORE PETER ZOLFERINO (MIN)...  
NICHOLAS GREGORY ZOLFERINO (MIN)...

GENERAL INFORMATION. Continued from 5/2/06 to clear notes. Accounting period 12-14-04 through 2-17-06. Continued from 7-18 to allow the petitioner to explore more conservative investments.

THIS CASE IS SET FOR HEARING ON first account current.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. There are 3 children who received a \$100,000 inheritance each. The petitioner is the father of the children. Review of the accounting makes it appear as if the petitioner is playing the stock market with the assets of the children. While this has as yet not resulted in major loss to each child, there have been losses and costs. For example, as to each child there have been broker's fees of \$3,444.36 and losses on sale of \$3,371.92. The gains have outweighed the losses and costs as to each, but not by much. Each child has realized a gain of \$3,181.94 for the accounting period. That is approximately a 4% gain, about the same amount of gain that petitioner could get by placing the assets into a secured account. Petitioner currently has minors invested in 128 different stocks. Judge to decide. **The petitioner has now provided a new plan. The plan calls for 50% of the assets to be invested in DA Aggressive Growth. Per the statement of the company this is their most aggressive strategy, hence, the most risky. The remaining 50% will be invested in DA International. Per the statement of the company this investment is primarily in international mutual funds. Again it**

**labels itself as aggressive. The petitioner has provided no conservative or moderate investments. The cost of the investments will be based on asset value and the maximum annual management fee is 2.4 %. I can't tell if this means that get a percentage not exceeding 2.4% or they get both.**

2. Attempting to distinguish the current value of the assets from the documents filed is virtually impossible. File a copy of the bank and security statements showing and highlighting the current value of the assets. **The current value of each minor's assets are \$103,815.35 book value or \$108,176.72 market value.**
3. Petitioner waives fees.
4. Petitioner is paying the attorney fees and is not requesting reimbursement.

**RECOMMENDATION:**

Judge will need to determine if the actions of the petitioner fall within the prudent investor rule. The duty of a fiduciary is governed by the trust rules. Pr. C. § 2101. Under trusts the prudent investor rule is applicable, Pr. C. § 16040. Court will need to decide if it wants the petitioner to take a more moderate approach to the minors' assets. If petition granted court will have to set future dates. Set hearing for next accounting for 5-6-08, to cover 2-18-06 through 2-17-08.

CIVCAL4                      Rancho Cucamonga District  
                                    Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

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DATE: 10/03/06              TIME: 9:30      DEPT: R15P  
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CASE #: RG RS01786

CASE NAME: KELVIN M SIN

HEARING:  
Hearing re: Inventory and appraisal

JINMI SIN	COUNSEL:
JAMES H SIN	(PET)...PRO/PER
KELVIN M SIN	(PET)...PRO/PER
	(MIN)...

GENERAL INFORMATION: Letter issued 4/11/06

THIS CASE IS SET FOR HEARING ON Filing of Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. I&A not filed. Need same.
2. An OSC re sanctions for not filing proof of blocked accounts set for 11/28/06.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. § 2614.5

CIVCAL4                      Rancho Cucamonga District  
                                    Rancho District

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

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DATE: 10/03/06              TIME: 9:30      DEPT: R16P  
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CASE #: RC RS00399

CASE NAME: MARIE A SCARBOROUGH

HEARING:  
SECOND and Final Account and Report.

COUNSEL:  
JAMES BARRON                      (PET)...SHERRI L KASTILAHN  
MARIE A SCARBOROUGH              (PCE)...

GENERAL INFORMATION Covers 8-28-03 through 3-21-06.

Assets \$61,766.78 Cash equivalents.

\$133,374.44 in investments that appear to be annuities or other investments.

Note the calendar page says that this is final account. It is not.

THIS CASE IS SET FOR HEARING ON Second account and report.

1. File notice of hearing and proof of service.
2. Beginning at the second page of the report and account the petitioner begins referring to this document as the first account. It is assumed that this is simply a typo and for purposes of these notes will be considered such. If this is not the case, petitioner will need to file a verified supplement clarifying.
3. It should be noted that some of the investments have maturity dates as late as 2034. At that time, assuming the Conservatee is still alive, she will be 108 years old. Did court wish to address this issue?
4. Paragraph 4 of the petition says that the petitioner waives fees. Paragraph 13 says the Conservator requests \$2,500 in fees. Please clarify with verified supplement.
5. Petitioner alleges that the bond is \$220,000 and is sufficient.
6. Petitioner pays Shirley Burgmeyer \$350 per month for "personal service and care". She provides transportation, laundry services and personal errands. Petitioner alleges that this is less than it would cost if the facility wherein the Conservatee resides provided the same items. Appears ok.

7. Accounting looks ok.

**RECOMMENDATION:**

If petition granted court will have to set future dates. Set hearing for the next account for 8-14-08, to cover the period of 6-22-06 through 6-21-08. Accounting to be filed 30 days in advance.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

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DATE: 10/03/06 TIME: 9:30 DEPT: R16P  
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CASE #: RC RS00523

CASE NAME: PETRUNKA JAMES STROUD

HEARING:  
Petition for Termination of Conservatorship/Guardianship

COUNSEL:  
JAMES E STROUD (PET)...DONNASUE SMITH-ORTIZ  
JANICE J STROUD (PET)...DONNASUE SMITH-ORTIZ  
PETRUNKA JAMES STROUD (MIN)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to terminate conservatorship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All parties agree that the conservatorship is no longer required and all parties are moving out of state.
2. There is no objection in the file at the time of this review

RECOMMENDATION:  
Recommended for approval absent objection.



Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

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DATE: 10/03/06 TIME: 9:30 DEPT: R16P  
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CASE #: RC RS00551

CASE NAME: EVA GRUBER

HEARING:  
Accounting Review

	COUNSEL:
EMMA AGUILAR	(PET)...LAYNE A BARTHOLOMEW
EVA GRUBER	(PCE)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

#### RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr. C. § 2620.2.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

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DATE: 10/03/06 TIME: 9:30 DEPT: R16P  
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CASE #: RC RS00589

CASE NAME: LOUIS DIBELLO

HEARING:  
Hearing Re: SETTLEMENT / TRIAL SETTING.

COUNSEL:

CHRISTOPHER VIZZINI	(CPE)...HARTNELL, LISTER & MOORE
LOUIS DIBELLO	(CEP)...MARJORIE MUSSER MIKELS
GLORIA ZEEDYK	(PCR)...
DERK ZEEDYK	(PCR)...
LINDA MAXWELL	(SC )...MAUREEN MURATORE

GENERAL INFORMATION The petition of Vizzini for temporary conservatorship of the person and estate was denied. Linda Maxwell has been appointed temporary Conservator of the estate of Mr. DiBello. Bond of \$502,500 has been filed. Derk and Gloria Zeedyk were removed as the temporary Conservators. Continued from 6-27-06. Issue to be addressed is a 730 evaluation of the Conservatee.

THIS CASE IS SET FOR HEARING ON mandatory settlement conference/trial setting conference on Petition for conservatorship of the person and estate. **Notes below relate to the petition.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Powers under Pr.C § 2590 et seq. are granted in the court's discretion. The court cannot properly exercise its discretion in the absence of a declaration indicating what specific powers are sought and why each power sought is actually needed. A generalized statement of need for powers is not sufficient. Here we have a laundry list of powers, listing virtually all powers specified in Pr.C. § 2591. Petitioner stated merely that these are necessary to continue the day to day business of maintaining the household. You must specify how each power is actually need. Please file verified supplement.

2. Petitioner is the step grandson of the Conservatee and was nominated in a power of attorney.
3. Bond should be \$502,500.
4. Court Investigator report is in the file. Court needs to review section 14 and make a determination on the issue of voter qualification.
5. Conservatee has filed objections.

RECOMMENDATION:

Matter is contested and needs to be set down on the contested calendar. Conservatee is entitled to a jury trial if he wants one.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

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DATE: 10/03/06 TIME: 9:30 DEPT: R16P  
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CASE #: RC RS659

CASE NAME: IN THE MTTR OF DAVID J OMLIN

HEARING:  
EIGHTH ACCT CURRENT & REPORT

COUNSEL:  
ELSIE L. OMLIN (PET)...ALLAR, SHELTON & O'CONNOR  
DAVID JOSEPH OMLIN (PCE)...

GENERAL INFORMATION accounting covers 6-1-03 through 5-31-05.  
Assets on hand \$200,810.04 of which \$8,912.19 are cash equivalents.  
The Conservator of the person is Elsie Omlin. The Conservator of the estate is Wells Fargo Bank.

THIS CASE IS SET FOR HEARING ON 8<sup>th</sup> accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting is more than 1 year out of date. It took the court 5 continuances to get the petitioner to comply with the court's order. This is the same thing that happened on the 7<sup>th</sup> accounting. At that time the Conservator indicated that the fault fell at the feet of the attorney and the attorney indicated that this was alright as he was not charging for the 5 appearances where he requested continuances. This appears to be a pattern. Suggest the court require the accounting to be brought current forthwith.
2. Conservator requests fees of \$5,186 representing 43.1 hours at \$120 per hour. Itemization is generalized in the extreme. There are no dates or specific time activities set forth in the itemization. See tab in file. Is there a contractual basis for the \$120 per hour charge? File verified supplement. Did court want a more specific itemization?
3. Attorney requests fees of \$2,130 representing 7.1 hours at \$300 per hour. This may be excessive. Fees not exceeding \$250 per hour are generally allowed throughout

the courts of this county. Do not see itemization so cannot tell if counsel is requesting to be paid for requesting continuances.

4. Conservator of the person waives fees. However, she does request \$300 per month to cover Conservatee's expenses not covered by Medi-Cal and S.S.I. This does not appear to be an unreasonable request.
5. There are no bank or security statements. However, the petitioner is a corporate fiduciary and it appears that the assets are kept in the trust department of that corporate entity. Court could consider petitioner's verification a verification of the assets on hand.

**RECOMMENDATION:**

Require the petitioner to bring the accounting current forthwith. Require counsel to file an itemization of his time. Court will have to determine if it wants a more specific itemization of the Conservator's time. Require supplement on number 2. If court decided not to require an immediate update of the accounting then court will have to set future dates. Set hearing for the next account for 8-14-07, to cover the period of 6-1-05 through 5-31-07. Accounting to be filed 30 days in advance.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

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DATE: 10/03/06 TIME: 9:30 DEPT: R16P  
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CASE #: RG RS00937

CASE NAME: MELISSA J UNGARD AND BRIAN T. UNGARD

HEARING:  
Accounting Review

COUNSEL:  
DARLENE LOUISE UNGARD (PET)...KRING & CHUNG LLP  
MELISSA JANELLE UNGARD (MIN)...  
BRIAN TIMOTHY UNGARD (MIN)...

GENERAL INFORMATION continued from 7-25-06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr. C. § 2620.2.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

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DATE: 10/03/06 TIME: 9:30 DEPT: R16P  
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CASE #: RG RS01829

CASE NAME: AMANDA LYNN GAUTIER

HEARING:  
Petition for Appointment of Guardian

COUNSEL:  
PAMELA RAMIREZ (PET)...DIANE M HARTOG  
ARTHUR RAMIREZ (PET)...DIANE M HARTOG  
AMANDA LYNN GAUTIER (MIN)...

GENERAL INFORMATION Temporary letters issued 6-16-06. Continued from 5-23-06.  
Parties entered into a stipulation on some issues. See pink tab in file.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by  
maternal grandparents, minor 4.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Notice now appears complete per order prescribing notice.
2. Parents ordered to drug test. Results on mother in file.
3. Parents given supervised visitation.

RECOMMENDATION:  
None.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

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DATE: 10/03/06 TIME: 9:30 DEPT: R16P  
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CASE #: RG RS01897

CASE NAME: JOSEPH & JAMES GARCIA AND MICHAEL SALAZAR

HEARING:  
Petition for Appointment of Guardian

	COUNSEL:
LAURA MORON	(PET)...PRO/PER
JOSEPH GARCIA	(MIN)...
JAMES GARCIA	(MIN)...
MICHAEL SALAZAR	(MIN)...

GENERAL INFORMATION Temporary letters issued 8-2-06.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by step grandmother to one child and aunt to other children, minors 14, 12 and 3

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Appears that all relevant persons have been served except maternal grandfather James Kelly and paternal grandfather Eddie Garcia. Petitioner requests that notice be dispensed to them in that no one has heard from them in several years. Judge to decide.
2. Note father David Garcia served by certified mail in prison. Judge to decide if sufficient.

RECOMMENDATION:  
None.



Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

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DATE: 10/03/06 TIME: 9:30 DEPT: R16P  
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CASE #: RG RS01899

CASE NAME: TONIE K SANTOS AND DAMIEN M SANTOS

HEARING:  
Petition for Appointment of Guardian

COUNSEL:  
CHRISTOPHER J SANTOS (PET)...PRO/PER  
SUSANNAH MIN (PET)...PRO/PER  
TONIE K SANTOS (MIN)...  
DAMIEN M MIN (MIN)...

GENERAL INFORMATION Temporary letters issued 7-31-06.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by paternal aunt and uncle, minors 11 and 8

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of personal service on father.
2. Mother resides out of state. File notice of hearing and proof of mailed service, certified return receipt.
3. File notice of hearing and proof of mailed service paternal grandmother and maternal grandparents or file due diligence declarations.
4. Court may wish to review confidential screening form of Christopher Santos.

RECOMMENDATION:  
None.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

-----  
DATE: 10/03/06 TIME: 9:30 DEPT: R16P  
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CASE #: RG RS01901

CASE NAME: RICH P CHULSUWAN

HEARING:  
Petition for Appointment of Guardian

COUNSEL:  
PERMYOS ASONGCHAINAOWARAT (PET)...PRO/PER  
RICH P CHULSUWAN (MIN)...

GENERAL INFORMATION Temporary letters issued 8-2-06

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by first  
cousin, minor 17

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition appears procedurally complete.

RECOMMENDATION:  
None.

CIVCAL4                      Rancho Cucamonga District  
                                    Rancho District

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06              TIME: 10:30      DEPT: R17P  
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CASE #: RPRRS02585

CASE NAME: ELPIDIO RUIZ

HEARING:  
FIRST and Final Account and Report.

COUNSEL:  
ELPIDIO RUIZ JR              (PET)...DAVID A XAVIER  
ELPIDIO RUIZ                (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests that bond be exonerated upon the distribution. This is not permissible until the final discharge is signed by the court.
2. File notice of hearing and proof of service.
3. Statutory fees are \$7,231.93, not \$6,574.09 as alleged. Is counsel waiving the difference in fees?
4. Petitioner waives fees.
5. File a Graduated Filing Fee Schedule pursuant to California Rule of Court, Rule 7.552. Any additional fees owed must be paid before the final report and/or account can be approved.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 12-4-07.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02603

CASE NAME: CARMEN GARNICA BACA

HEARING:

Petition for DETERMINE SHARE OF ALBERT BRAGG A FAILED TRANSFER  
AND DETERMINATION OF DISTIBUTION

COUNSEL:

JOHN T BACA (PET)...JOSEPHINE A. RICH  
CARMEN G BACA (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to determine share of Albert Bragg.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition alleges that the decedent left her assets in 5 equal shares. One share was to go to Albert Bragg. Albert died 6 months after the decedent. Petitioner contends that this means that this is a failed transfer. This is an incorrect interpretation of the law.
2. I have reviewed the will. There is nothing in the will that requires a beneficiary to survive to date of distribution. Therefore the gift vests upon the death of the decedent. Hence, Albert's share should be distributable to his estate.

RECOMMENDATION:

Order petitioner to distribute Albert's share to his estate. It is then up to his personal representative to determine to whom the assets will be distributed. If there is no personal representative then the court can order the asset turned over to the County Treasurer.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02628

CASE NAME: WILLIAM L O'MARA

HEARING:

Petition for (04/28/06) REPORT OF EXECUTOR AND PETITION FOR STT  
LMNT AND FOR FINAL DISTRIBUTN/WVR OF ACCTNG

COUNSEL:

GREGG O'MARA (PET)...BUTTERFIELD & DUFFY  
WILLIAM L O'MARA (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final report on waiver of account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs waive accounting.
2. Statutory fees are \$5,405.14. Petitioner waives fees.
3. File order after hearing.

RECOMMENDATION:

Recommended for approval absent objection. Set hearing for filing of receipts and final discharge order for 12-4-07.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02669

CASE NAME: LEO ROGERS CARROLL

HEARING:  
Accounting Review

COUNSEL:  
JANE BAUER (PET)...SUZANNE M GRAVES  
LEO ROGERS CARROLL (DEC)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed.

#### RECOMMENDATION:

If the personal representative does not file the accounting as required, the court shall take action as specified in Pr. C. § 11050 et seq.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02730

CASE NAME: EARL & MARIE JOHNSON TRUST

HEARING:  
Accounting Review

COUNSEL:  
FRANK M JOHNSON (TEE)...M DANIEL SAYLOR  
WAYNE D JOHNSON (M DANIEL SAYLOR )...M DANIEL

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting filed.

RECOMMENDATION:  
Determine status.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

-----  
DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02730

CASE NAME: EARL & MARIE JOHNSON TRUST

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

FRANK M JOHNSON (TEE)...M DANIEL SAYLOR  
WAYNE D JOHNSON (M DANIEL SAYLOR )...M DANIEL

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. An inventory has been filed. It is not one done by a probate referee. It is unclear if the court wanted a probate referee inventory and appraisal.

RECOMMENDATION:

Determine if there is any objection to the inventory and appraisal.



Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02741

CASE NAME: MARY BAILLIE FULTON

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
MARSHA MEEK BANKS (PET)...BANKS AND STRATHMAN  
MARY BAILLIE FULTON (DEC)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Two partial inventory and appraisal have been filed. When will final be filed?

#### RECOMMENDATION:

Court will need to determine when final will be filed and set a control date to ensure compliance.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02769

CASE NAME: CHERYL ANN TOSHA

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
KATHERINE E WESTRICH (PET)...YOUNG HENRIE HUMPHRIES & MASON  
CHERYL ANN TOSHA (DEC)...

Matter may go off calendar – I&A filed

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR  
HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02771

CASE NAME: VELDA GRACE BINGO

HEARING:

FIRST and Final Account and Report.

COUNSEL:

NATHAN LEE BINGO (PET)...WILKINSON & WILKINSON

VELDA GRACE BINGO (DEC)...

GENERAL INFORMATION continued from 8-1-06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Statutory fees are \$11,881.50. Petitioner waives fees.
2. Attorney request extra-ordinary fees of \$1,488.75. Amount is itemized. The court will generally not consider awarding extra-ordinary fees until the executor and/or counsel establish that all ordinary fees have actually been earned. (In re Walker's Estate (1963) 221 Cal. App. 2d 792). Counsel has supplied a declaration again describing what she did in extra-ordinary work, but not what she did in ordinary work. Counsel indicates that this case is different that the Walker case. *Walker* is cited in the notes for the simple premise that awarding fees is 100% discretionary with the court and the court's ruling will be overturned only for an abuse of discretion. The *Walker* court, in discussing the exercise of that discretion, indicated that it was proper for the court to consider whether all ordinary fees had been actually been earned before awarding extra-ordinary fees. Counsel has still not addressed this issue. **Supp: explains the ordinary services to the estate exceeded the statutory fees allowed. Itemized. JTD**
3. Attorney requests reimbursement of \$1,091.45 in costs advanced. Amount is itemized. Ok.
4. Petitioner requests permission to withhold \$1,000 in closing costs.
5. File order after hearing.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 12-4-07.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02802

CASE NAME: PAUL AND LORRAINE VAN NOY

HEARING:  
PET Motion to withdraw as Attorney of Record

	COUNSEL:
JENNIFER KRISKE	(PET)...SELTERS & SELTERS
PAUL VAN NOY	(DEC)...
LORRAINE VAN NOY	(DEC)...
BRIAN LEE VAN NOY	(OBJ)...ROBERT J SPITZ

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to withdraw as attorney of record.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the attorney for Jennifer Kriske. He alleges that his client refuses communicate with him or obey court orders.
2. Notice appears complete.

RECOMMENDATION:  
Recommended for approval absent objection.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02802

CASE NAME: PAUL AND LORRAINE VAN NOY

HEARING:

Petition for TO COMPEL ACCOUNTING AND FOR REMOVAL OF TRUSTEE  
BRIAN LEE VAN NOY

COUNSEL:

JENNIFER KRISKE	(PET)...SELTERS & SELTERS
PAUL VAN NOY	(DEC)...
LORRAINE VAN NOY	(DEC)...
BRIAN LEE VAN NOY	(OBJ)...ROBERT J SPITZ

GENERAL INFORMATION continued from 12-20-05, 3-7-06 and 5-16-06. At the time of the 3-7 hearing the petitioner admitted that the real property is to be distributed to Brian Van Noy. Court ordered that any objections be filed at least 2 weeks prior to next hearing. At the time of the 5-16 hearing the court ordered the parties to meet and confer and to file a joint statement at least 14 days prior to the 8-1-06 hearing. The only new document filed is a counter petition by Brian Van Noy to compel production of documents, sanctions, removal of co-trustee and attorney fees. Continued from 8-1-06. Nothing new filed other than motion to be relieved on preceding page.

THIS CASE IS SET FOR HEARING ON petition to compel accounting and remove co-trustee Brian Lee Van Noy.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Jennifer Kriske, is the successor co-trustee of the Paul and Lorraine Van Noy trust. Petitioner alleges that successor co-trustee Brian Lee Van Noy is living in the primary asset of the trust. He refuses, despite requests, to inventory the assets and has been selling personal property of the estate without her consent. Petitioner requested an appraisal and Brian suggested they use a pawn shop. Petitioner rejected this suggestion. Petitioner also indicates that Brian has indicated an intent to not distribute the 10% due to the Salvation Army per the trust.

2. Petitioner alleges that Brian has a life estate in the real property, but is not paying the taxes or utility bills on the property. Brian distributed a bank account to himself for "household expenses". This was done without the knowledge or consent of the petitioner.
3. Review of the trust indicates at Section VII(A) that the real property is distributed to Brian Lee Van Noy. There is nothing in that paragraph that indicates that this constitutes a life estate. File supplemental indicating on what basis petitioner alleges that Brian holds only a life estate. **Petitioner now admits that the property should be distributed to Brian Van Noy and not the trust.**
4. A trustee or a beneficiary may petition the court to compel a trustee to account if the trustee has failed to account within 60 days of a written request and no account has been submitted within the last 6 months. Pr. C. § 17200(b)(7). Here, the petitioner made demand on 6-7-05. Petitioner alleges that no accounting has ever been presented.
5. The court has the power to remove a trustee upon request of a trustee or a beneficiary. Pr. C. § 17200(b)(10). The grounds for removal will be found at Pr. C. § 15642. Here the petitioners have alleged that the trustee has committed a breach of trust, failure to cooperate with co-trustee and failure to act. All fall within the code section.
6. Opposition has now been filed. Respondent lists all assets of the estate in the opposition. Respondent indicates that he is in ill health and has extremely limited income. Respondent alleges that the petitioner has equal access to the assets and can send an appraiser to the house if she desires. Respondent denies that he has sold any assets without the petitioners consent. He alleges that he did use the proceeds from a bank account in the amount of \$2,768.48, but he claims that this money was money that was to go to him. Respondent denies that he has refused to sell the 2004 Dodge. He alleges that petitioner never asked. He further alleges that the last living settlor told him that the car and all the personal property was to go to him for his care for her in her last years. (It should be noted that respondent does not point to a change in the trust to support this claim.) Respondent says that he did not suggest a pawn shop for appraisal, but petitioner wanted a professional who would have cost \$600 to appraise the household items. Respondent alleges that the property couldn't be worth more than \$500. Hence, petitioner's suggestion was out of line. Respondent contends that the petitioner is refusing to allow distribution of the assets of the trust and as a result he cannot pay for the utilities at the house. Respondent denies that he sought to prevent distribution to the Salvation Army. He says that he only sought to have a partial distribution of trust assets so he could continue to live. He says the Salvation Army can be paid their 10% upon final distribution. Respondent contends that the petitioner has been less than forthright in her dealings. He contends that she cleaned out the safety deposit box and refuses to inventory the items contained therein. Respondent contends that there was somewhere between 10,000 and \$50,000 in negotiable instruments in the box. Respondent has a list of requests for the court including an immediate distribution of \$50,000 each to the petitioner and the respondent and \$10,000 to the Salvation Army. See purple tab in file for a complete list of demands.

RECOMMENDATION:

Determine status of the meet and confer. Also determine status on the following: 1) Order each party to provide the other copies of all documents showing what assets they took possession of and what they still have in their possession; (2) Order each petitioner to provide the other with a reasonable suggestion as to method of appraisal. If they cannot agree order that each provide a list of 3 appraisers to be presented to the court. The court should then pick an appraiser. Order that the cost of the appraiser will be paid for out of trust assets.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02802

CASE NAME: PAUL AND LORRAINE VAN NOY

HEARING:

Petition for (7/5/06) TO COMPEL PRODUCTION OF DOCUMENTS/SANCTIONS AND ORDER FOR REMOVAL OF TRUSTEE JENNIFER KRIS

COUNSEL:

JENNIFER KRISKE	(PET)...SELTERS & SELTERS
PAUL VAN NOY	(DEC)...
LORRAINE VAN NOY	(DEC)...
BRIAN LEE VAN NOY	(OBJ)...ROBERT J SPITZ

GENERAL INFORMATION continued from 8-1-06. Nothing new filed other than motion to be relieved as attorney for Jennifer Kriske.

THIS CASE IS SET FOR HEARING ON petition to compel production of documents, sanctions, removal of co-trustee, attorney fees of \$1,500 filed by Brian Van Noy

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. In the petition the Brian sets forth what has been accomplished since the last hearing. The parties agreed to distribute the Lockheed Credit Union account of \$100,000. That was done.
2. Brian alleges that he has still not received the original documents that were contained in the safety deposit box. He alleges that there was \$50,000 in Savings bonds and cash. Brian says that he has good reason to believe that this amount was in the box. However, at page 4, lines 24-26 Brian says he has no knowledge of the contents of the box as he never looked in it. Later at page 5 he says that he has personal knowledge that his parents accumulated a number of the bonds and kept them in the box. He does not say how he knows this, nor does he say what he bases the dollar amount on.
3. Brian asks the court to determine if Jennifer should be sanctioned for failure to produce the original documents that were in the box. What the court ordered was that all original documents be delivered to counsel for each party for safe keeping.



There is nothing in the order that says that the documents must be produced for the other side. It is unknown if Jennifer produced those documents for her counsel.

4. Brian asks the court to determine if Jennifer should be removed as co-trustee for failure to produce those documents. As indicated above, there is no evidence presented that establishes that Jennifer is in violation of the court's order.
5. Brian asks the court to determine if Jennifer should be liable for the \$3,000 he believes was in the safety deposit box. Brian has not proved that the \$3,000 cash was in the safety deposit box.
6. Brian asks the court to determine if Jennifer should be liable for the \$50,000 in savings bonds he believes were in the box. Brian has not proved that there was \$50,000 worth of bonds or any other amount of bonds in the box.
7. Brian asks the court to determine if the 2 autos of the trust belong to him. Brian has offered no evidence that they belong to him.
8. Brian has asked that the court order Jennifer to pay his attorney \$1,500 in fees. Brian offers no authority for this request.

#### RECOMMENDATION:

Court will need to determine if Jennifer provided the original documents to her attorney. Court will have to clarify its order on whether Jennifer's counsel was to provide these documents to opposing counsel. Court may wish to set matter for an evidenciary hearing to allow Brian to present evidence to support any and all claims made.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02809

CASE NAME: FRANCIS PORRERO AKA FRANCES PORRERO

HEARING:

FRIST and Final Account and Report.

COUNSEL:

HENRY PORRERO JR (PET)...WILKINSON & WILKINSON

FRANCIS PORRERO (DEC)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Was the real property sold pursuant to a notice of proposed action? If so, file a copy of the notice. If not, on what basis was it sold? **Supp: under terms of will, executor is authorized to sell without notice and Court granted full authority under Independent Administration of Estates Act.**
2. Petitioner requests permission to withhold \$1,000 in closing costs.
3. Statutory fees are \$10,020.24.
4. Petitioner requests reimbursement of \$2,493.68 for costs advanced for funeral. There is no itemization. Did the court wish an itemization? **Supp: receipt from funeral home.**
5. Attorney requests reimbursement of \$1,352.50 in costs. Amount is properly itemized.
6. Attorney requests \$204.18 in extra-ordinary fees. Amount is itemized. The court will generally not consider awarding extra-ordinary fees until the executor and/or counsel establish that all ordinary fees have actually been earned. (In re Walker's Estate (1963) 221 Cal. App. 2d 792). Judge to decide. **Supp: itemized ordinary services showing ordinary fees earned in support of extraordinary fees.**
7. File order after hearing.

#### RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 12-4-07.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02818

CASE NAME: AUSTIN MCGREAL AKA AUSTIN JOSEPH MCGREAL, AUSTIN J

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

AUSTIN J. MCGREAL (PET)...PRO/PER  
AUSTIN JOSEPH MCGREAL (DEC)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

Matter may go off calendar.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02830

CASE NAME: MARGARET L DAHMS

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
JAMES H ABBEY (PET)...VICTOR P SKVARNA  
MARGARET L DAHMS (DEC)...

GENERAL INFORMATION continued from 7-11-06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. § 8505. Have clerk notice bonding company

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02835

CASE NAME: HUGH THOMAS ELLIS

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
RONNI ROBINSON (PET)...STEVEN D. KRAMER  
HUGH THOMAS ELLIS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:  
Matter may go off calendar.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02838

CASE NAME: YOLANDA SALCE

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
BIANCA E. RODRIGUEZ (PET)...LAYNE A BARTHOLOMEW  
YOLANDA SALCE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Only a partial inventory and appraisal filed.

RECOMMENDATION:

Court will need to determine when the final inventory and appraisal will be filed and set control date to ensure compliance.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02844

CASE NAME: MARY RODRIGUEZ MARIN

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
BASILIO MARIN (PET)...PATRICK J ROGERS  
MARY RODRIGUEZ MARIN (DEC)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Inventory and appraisal has been filed.
2. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents.

RECOMMENDATION:  
Require petitioner to file bank or security statements.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02849

CASE NAME: MADELINE C GONZALES

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
LINDA S WEDGWORTH (PET)...DONNASUE SMITH-ORTIZ  
MADELINE C GONZALES (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:  
Matter may go off calendar.



Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02889

CASE NAME: LORRAINE L. STOLZ

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
JOLENE R CASS (PET)...LAYNE  
LORRQINE L. STOLZ (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:  
Matter may go off calendar.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02891

CASE NAME: CONSTANCE L. CHIORINO

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
SANDRA BENDER (PET)...CHRISTINA FERRANTE  
CONSTANCE L CHIORINO (DEC)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No inventory and appraisal filed. The clerk has given notice.

#### RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, the court may set a hearing in accord with Pr.C. § 8505.

Rancho Cucamonga District  
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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02920

CASE NAME: SEVERIANO A. MEDEL

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

REBECCA NUNEZ	(PET)...	ROBERT L KERN
SEVERIANO A MEDEL	(DEC)...	
SEVERIANO A MEDEL	(DEC)...	
SHERRY NICOLE HEINOLD	(PET)...	ROGER R MEADOWS
SHERRY NICOLE HEINOLD	(TP )...	ROGER R MEADOWS

GENERAL INFORMATION continued from 7-25-06 at the request of Attorney Meadows.  
Nothing new filed other than notice of continuance.

THIS CASE IS SET FOR HEARING ON Petition to administer filed by Rebecca Nunez  
(niece of decedent), with limited I.A.E.A. authority and \$20,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests that bond be set in the amount of \$20,000. As only limited authority has been requested amount of requested bond appears adequate.
2. Objections have been filed by Joe Medel. The objector indicates that petitioner has a conflict of interest in that she is involved in litigation against decedent's property in file RCV 084483. Objector is a nephew of decedent. Decedent and his brother owned property as joint tenants. It is alleged that the brother, Silvester never lived in the house or contributed to it. The joint tenancy was for purposes of avoiding probate. Silvester died before decedent herein. Prior to decedent's death he was removed from his home on health code violations. Objector agreed to advance the costs of the repairs. Decedent executed a deed to the house to objector in return for \$100. The money was not paid. Objector was to deed the house back to decedent when the repairs were done. Petitioner now contends that she is the owner of 1/2 the property based on the fact that her father was a joint tenant with the decedent. A Guardian ad litem for the decedent filed suit against petitioner and objector to attempt to regain the house from them. Objector alleges that if she is appointed she will control both sides of the lawsuit.
3. A completing petition has been filed. See next page.

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02920

CASE NAME: SEVERIANO A. MEDEL

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

REBECCA NUNEZ	(PET)...	ROBERT L KERN
SEVERIANO A MEDEL	(DEC)...	
SEVERIANO A MEDEL	(DEC)...	
SHERRY NICOLE HEINOLD	(PET)...	ROGER R MEADOWS
SHERRY NICOLE HEINOLD	(TP )...	ROGER R MEADOWS

GENERAL INFORMATION continued from 7-25-06 at the request of Attorney Meadows.  
Nothing new filed other than notice of continuance.

THIS CASE IS SET FOR HEARING ON Petition to administer by Sherry Heinold (grand neice decedent), with limited I.A.E.A. authority and \$20,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is nominated by the sister of the decedent. This is the same person, Consuelo Zamora, who nominated the first petitioner. This person also assigned their interest in the property of the estate to Rebecca Nunez. Please provide authority for the premise that once Zamora assigned her interest in the property to Nunez she has a right to rescind that assignment. File verified supplement.
2. Zamora also previously waived her right to act as administrator in writing. File verified supplement establishing that she can revoke her waiver.

RECOMMENDATION:

Can't make a recommendation until we have supplemental briefing. See preceding page for competing petition.

If either petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 4-10-07. Set hearing for filing of accounting and/or status report for 12-4-07. Any accounting to be filed 30 days in advance.

Rancho Cucamonga District  
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HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS02963

CASE NAME: EPIGMENIO VASQUEZ

HEARING:

Petition for Probate, Letters of Tstmnty with full authority  
under IAEA.

COUNSEL:

LILLIAN AULT (PET)...E LAWRENCE BROCK  
EPIGMENIO VASQUEZ (DEC)...

GENERAL INFORMATION continued from 7-25-06. At the time set for hearing Carlos and Flora Vasquez appeared and objected. Court ordered them to file written objections. No objections received. If court continues a matter for filing of written objections or response and party fails to serve and file a timely objection or response, the court may deem the objection or response waived. (Cal Rule of Court 7.801)

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.
2. Codicil is not self proving. File proof of subscribing witness. **Petitioner has filed a declaration indicating that the witness cannot be found. Adequate proof has now been filed in lieu of a proof of subscribing witness.**

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 4-10-07. Set hearing for filing of accounting and/or status report for 12-4-07. Any accounting to be filed 30 days in advance.

Rancho Cucamonga District  
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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS03026

CASE NAME: JESSIE MARIE PATTON

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

KEDELPHINA PATTON (PET)...PRO/PER  
JESSIE MARIE PATTON (DEC)...

GENERAL INFORMATION special letters issued 8-4-06

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A. authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This appears to be an estate dealing only with personal effects of the decedent. It is questionable if a probate is really necessary. Total value of the assets is alleged at \$1,500. None of the listed items requires a title change. It appears that the only reason a temporary was needed was to obtain authority to get the effects out of the deceased mother's apartment. Nonetheless, the notes below apply if the matter proceeds to hearing.
2. Section 6(a)(3) or 6(a)(4) of the petition is not completed. File verified supplement.
3. Section 6(a)(5) or 6(a)(6) of the petition is not completed. File verified supplement.
4. Sections 6(a)(7) or 6(a)(8) are not completed. File verified supplement.
5. Section 6(b) of the petition is not completed. File verified supplement.
6. File notice of petition to administer estate.
7. File proof of publication.
8. In the absence of a waiver of bond from all beneficiaries bond must be set in the amount of \$20,000.
9. Section 10 of petition not completed. File verified supplement.

RECOMMENDATION: If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 4-10-07. Set hearing for filing of accounting and/or status report for 12-4-07. Any accounting to be filed 30 days in advance.

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS03027

CASE NAME: GLEN ROGER MILLER

HEARING:

Petition for FOR LETTERS OF ADMINISTRATION WITH NO AUTHORITY

COUNSEL:

LISA MERCER (PET)...SAMUEL R WASSERSON INC  
GLEN ROGER MILLER (DEC)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to administer, with no I.A.E.A. authority and \$6,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests bond be set in the amount of \$6,000. Minimum bond is \$20,000. However, in this case, as no authority is requested under the Independent Administration of Estates Act the court has the authority to waive the requirement of bond.

#### RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 4-10-07. Set hearing for filing of accounting and/or status report for 12-4-07. Any accounting to be filed 30 days in advance.



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CASE #: RPRRS03028

CASE NAME: JOE J GUTIERREZ JR. AKA JOE GUTIERREZ

HEARING:  
Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:  
KRISTINE E GUTIERREZ (PET)...LAMB MORRIS & LOBELLO  
JOE J GUTIERREZ JR (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A. authority and \$430,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests bond in the amount of \$430,000. Based on the information in the file this would appear adequate.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 4-10-07. Set hearing for filing of accounting and/or status report for 12-4-07. Any accounting to be filed 30 days in advance.

Rancho Cucamonga District  
CIVCAL4 Rancho District  
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HONORABLE COMMISSIONER JOHN A CRAWLEY

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS03029

CASE NAME: MARTHA F MYERS

HEARING:

Petition for (07/31/06 TO TRANSFER PROPERTY INTO LIVING TRUST

COUNSEL:

HARRIETT D INGRAM (TEE)...SUZANNE M GRAVES

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to transfer assets to trust.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the trustee of the Myers Trust that became irrevocable on 11-18-04. Petitioner alleges that the property in question was listed on the trust Schedule A, but was never actually transferred into the trust. Petitioner requests that the court order the asset to be a part of the trust.
2. If the assets are set forth in Schedule A of the trust this establishes an intent on the part of the settlor that the assets be a part of the trust. It is not necessary to actually transfer by deed to the trust. (*Estate of Heggstad* (1993) 16 Cal. App. 4th 943.) Here, review of the trust establishes that the questioned property was on Schedule A. The court may therefore grant the petition upon correction of the notes below.
3. File a list of all person entitled to notice in this proceeding. Pr.C. § 17201.
4. File notice of hearing and proof of service in accord with Pr.C. § 17203.

RECOMMENDATION:

Require correction of notes.

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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS03030

CASE NAME: NATALIE DOLORES GARCIA

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

LISA SOTELO (PET)...PETER RASLA & ASSOCIATES, P L  
NATALIE DOLORES GARCIA (DEC)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to administer, with limited I.A.E.A. authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File proof of publication.
2. Sections 6(a)(7) or 6(a)(8) are not completed. File verified supplement.
3. File duties.

#### RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 4-10-07. Set hearing for filing of accounting and/or status report for 12-4-07. Any accounting to be filed 30 days in advance.

Rancho Cucamonga District  
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DATE: 10/03/06 TIME: 10:30 DEPT: R17P  
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CASE #: RPRRS03031

CASE NAME: ANTOINE M MOUHANNA

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

JOSEPH MEHANNA (PET)...LAW OFFICES OF LESLIE E CHAYO  
ANTOINE M MAHANNA (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to administer, with limited I.A.E.A. authority and minimal bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests minimum bond. Minimum bond is \$20,000. Minimum appears adequate in that limited powers under the Independent Administration of Estates Act are sought.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 4-10-07. Set hearing for filing of accounting and/or status report for 12-4-07. Any accounting to be filed 30 days in advance.